

AMENDED IN ASSEMBLY MAY 1, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1249**

**Introduced by Assembly ~~Member Daucher~~ Members *Daucher*  
*and Cardenas***

February 23, 2001

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An act to ~~add and repeal Section 3017.5~~ *amend, repeal, and add Section 3010* of the Elections Code, relating to absentee voting.

LEGISLATIVE COUNSEL'S DIGEST

AB 1249, as amended, Daucher. Absentee voting: identification envelopes: postage.

Under existing law, an absentee voter pays the postage to return his or her absentee ballot to the county elections officials.

This bill would require ~~the Secretary of State~~ *county elections officials*, for a 5-year period, to ~~reimburse county elections officials for any postage costs incurred in connection with the return of absentee ballots~~ *provide absentee voters with all supplies necessary for the use and return of the ballot, including a postage-paid return envelope*.

This bill would require county elections officials, ~~within 3 years by January 1, 2005~~, to report to the Secretary of State as to the impact, if any, that paid postage on identification envelopes has on absentee voting. The Secretary of State would be required, ~~within 4 years by January 1, 2006~~, to report these findings to the Legislature.

By requiring local elections officials to keep track of postage charges and submit them to the Secretary of State for reimbursement, this bill would increase the duties of local elections officials and impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 3017.5 is added to the Elections Code,~~  
2     ~~to read:~~

3     ~~3017.5. (a) The Secretary of State shall reimburse county~~  
4     ~~elections officials for any postage costs incurred for postage in~~  
5     ~~connection with absentee ballots returned by voters to county~~  
6     ~~elections officials.~~

7     ~~(b) Each county elections official shall report, no later than~~  
8     ~~three years from the date this section is enacted, to the Secretary~~  
9     ~~of State as to the impact, if any, that paid postage on identification~~  
10    ~~envelopes has on absentee voting. The Secretary of State shall~~  
11    ~~report these findings to the Legislature within four years from the~~  
12    ~~enactment of this section.~~

13    ~~(c) This section shall remain in effect for a period of five years~~  
14    ~~from the date of its enactment and at the expiration of that period~~  
15    ~~is repealed, unless a later enacted statute deletes or extends that~~  
16    ~~date.~~

17    ~~SEC. 2.—~~

18    ~~SECTION 1. Section 3010 of the Elections Code is amended~~  
19    ~~to read:~~

20    ~~3010. (a) The elections official shall deliver to each qualified~~  
21    ~~applicant:~~

22    ~~(a)~~

23    ~~(1) The ballot for the precinct in which he or she resides. In~~  
24    ~~primary elections this shall also be accompanied by the ballot for~~



1 the central committee of the party with which the voter is  
2 affiliated, if any.

3 ~~(b)~~

4 (2) All supplies necessary for the use and return of the ballot,  
5 *including, but not limited to, a postage-paid return envelope for*  
6 *the voter to return the ballot.*

7 ~~No~~

8 (b) *Each county elections official shall report, no later than*  
9 *January 1, 2005, to the Secretary of State as to the impact, if any,*  
10 *that paid postage on identification envelopes has on absentee*  
11 *voting. The Secretary of State shall report these findings to the*  
12 *Legislature no later than January 1, 2006.*

13 (c) *An officer of this state may ~~make any~~ not charge for services*  
14 *rendered to any voter under this chapter.*

15 (d) *This section shall remain in effect only until December 31,*  
16 *2006, and as of that date is repealed, unless a later enacted statute*  
17 *deletes or extends that date.*

18 SEC. 2. *Section 3010 is added to the Elections Code, to read:*

19 3010. (a) *The elections official shall deliver to each qualified*  
20 *applicant:*

21 (1) *The ballot for the precinct in which he or she resides. In*  
22 *primary elections this shall also be accompanied by the ballot for*  
23 *the central committee of the party with which the voter is affiliated,*  
24 *if any.*

25 (2) *All supplies necessary for the use and return of the ballot.*

26 (b) *An officer of this state may not charge for services rendered*  
27 *to any voter under this chapter.*

28 (c) *This section shall become operative on January 1, 2007.*

29 SEC. 3. *Notwithstanding Section 17610 of the Government*  
30 *Code, if the Commission on State Mandates determines that this*  
31 *act contains costs mandated by the state, reimbursement to local*  
32 *agencies and school districts for those costs shall be made pursuant*  
33 *to Part 7 (commencing with Section 17500) of Division 4 of Title*  
34 *2 of the Government Code. If the statewide cost of the claim for*  
35 *reimbursement does not exceed one million dollars (\$1,000,000),*  
36 *reimbursement shall be made from the State Mandates Claims*  
37 *Fund.*